

ESTTA Tracking number: **ESTTA431373**

Filing date: **09/20/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053754
Party	Defendant Fillpoint, LLC
Correspondence Address	STEPHEN G JANOSKI ROYLANCE ABRAMS BERDO GOODMAN LLP 1300 19TH STREET NW, SUITE 600 WASHINGTON, DC 20036 UNITED STATES sgjdocketing@roylance.com, ssraub@roylance.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Stephen A. Straub
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Signature	/Stephen A. Straub/
Date	09/20/2011
Attachments	58063 - September 20 2011 Stipulated Motion to Suspend.pdf (3 pages)(78058 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X
Rational Entertainment Enterprises Limited, :

Petitioner, :

v. : Cancellation No. 92053754

Fillpoint, LLC, :

Respondent. :
-----X

STIPULATED MOTION TO SUSPEND PROCEEDING FOR SETTLEMENT

Pursuant to Fed R. Civ. P. 6(b) and Trademark Rule 2.127(a), 37 C.F.R. § 2.127(a), Respondent and Petitioner, through mutual agreement among counsel, request a 60-day suspension of the proceeding for the good cause recited below. The responsive dates below are reset to reflect the requested suspension per Trademark Rule 2.121(d), 37 C.F.R. § 2.121(d). The parties request that any outstanding pleading, discovery, or related trial date not specifically set forth below also be suspended for the corresponding number of days from its date set by prior Board order.

The stipulated, suspended schedule is as follows:

Time to Answer	11/20/2011
Deadline for Discovery Conference	12/20/2011
Discovery Opens	12/20/2011
Initial Disclosures Due	01/19/2012
Expert Disclosures Due	05/18/2012
Discovery Closes	06/17/2012
Plaintiff's Pretrial Disclosures	08/01/2012
Plaintiff's 30-day Trial Period Ends	09/15/2012
Defendant's Pretrial Disclosures	09/30/2012
Defendant's 30-day Trial Period Ends	11/14/2012

Plaintiff's Rebuttal Disclosures
Plaintiff's 15-day Rebuttal Ends

11/29/2012
12/29/2012

In support of this motion, Respondent states as follows:

1. This motion is requested due to the parties' memorialized agreement which will conclude this cancellation proceeding, including a coexistence agreement for the marks at issue.
2. The parties request a suspension of the proceeding for a further sixty (60) days to permit sufficient time for the examining attorney to review and accept the coexistence agreement to be made of record in Petitioner's pending application, and approve the mark for publication.
3. Petitioner's counsel, Susan Upton Douglass, stipulated to this suspension via telephonic discussions with the undersigned counsel for Respondent on September 20, 2011.

Respectfully submitted,

Fillpoint, LLC



Dated: September 20, 2011

By: _____

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Attorneys for Respondent

CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the foregoing STIPULATED MOTION TO SUSPEND PROCEEDING FOR SETTLEMENT was sent, per the request of counsel for Petitioner, via electronic transmission on this 20th day of September 2011 to:

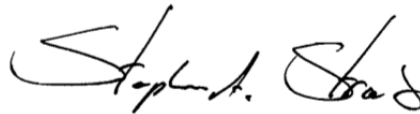
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CERTIFICATE OF TRANSMISSION

It is hereby certified that this correspondence is being transmitted to the United States Patent and Trademark Office via ESTTA on this 20th day of September 2011.



Stephen A. Straub